

REMARKS

The present amendment is in response to the Office Action mailed April 1, 2005, in which Claims 1 through 10, 12 and 14 through 18 were rejected.

Applicants have thoroughly reviewed the outstanding Office Action. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein to the application, are believed to render the application in condition for publication.

Claim 1 is amended herein. New Claim 21 is submitted for consideration at this time. Accordingly, Claims 1 through 10, 12, 14 through 18, and 21 are pending.

All changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added.

Favorable reconsideration is respectfully requested.

CLAIM AMENDMENTS AND ADDITIONS

Independent Claim 1 has been amended to change the percentage "35-45%" to -38-45%--. This change reflects the bulk of the experimental

data as disclosed in the application as originally filed.

New independent Claim 21 is substantially the same as pending independent Claim 1 but reflects a process that consists essentially of the defined steps and which also includes the protein content of the product of the claimed process. Applicants respectfully submit that the protein content is not new matter but is based upon the ratio defined in Exhibit C attached to the accompanying Declaration. The ratio uses the nitrogen content presented in the application as originally filed.

CLAIM REJECTIONS – 35 USC SECTION 103

The Examiner rejected Claims 1-10, 12 and 14-18 under 35 USC Section 103(a) as being unpatentable over EP 148600 or Thomas et al. in view of Satoh et al. and further in view of Chigurapati et al. or Olsen for the reasons of record. The Examiner notes that the prior art process yielded a degree of hydrolysis of 30-35% and that of the invention is 35-45% with the 35% percent overlapping. The Examiner also rejected these same claims under 35 USC Section 103(a) as being unpatentable over Chigurapati et al. or Olsen taken with Satoh et al. The Examiner further rejected these same claims under 35 USC Section 103(a) as being unpatentable over Dalboge et

al., Edens et al., or Schoenmaker et al. in view of Satoh et al.

Applicants respectfully traverse these rejections. Initially, Applicants note that amended independent Claim 1 defines the DH as being 38-45%, thus avoiding the overlap and being more consistent with the test data reported in the application as filed. Furthermore, Applicants respectfully submit that the process does demonstrate unexpected results as set forth in the accompanying Declaration. Finally, Applicants respectfully submit that the process as claimed in new independent Claim 21 more clearly removes the invention from the cited art.

Applicants respectfully request that the Examiner reconsider and withdraw the rejections under 35 USC Section 103(a).

REQUEST FOR INTERVIEW

The undersigned attorney for Applicants respectfully requests that the Examiner grant either a telephone interview or a personal interview prior to acting on the present amendment.

CONCLUSION

In light of the above amendments and remarks, Applicants

respectfully submit that all pending claims as currently presented are in
condition for allowance.

Applicants respectfully request that a Notice of Allowance be issued in
this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Moga', with a long horizontal flourish extending to the right.

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Dated: **December 1, 2005**

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